IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.11.2006

CORM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
and
THE HON'BLE MR. JUSTICE S. TAMILVANAN

Writ Petition No.42930 of 2006
and MP.No.1 of 2006

T. Ramaiah .. Petitioner

Vs.

1. The Commissioner
   Coimbatore City Municipal Corporation
   Coimbatore.

2. Dhanapal
3. Usha Dhanapal .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus as stated therein.

For petitioner : Mr. J. Pothiraj

..

ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner has approached this Court to issue a writ of mandamus directing the first respondent Corporation to initiate appropriate proceedings against the second and third respondents for the illegal construction put up at Door No.842 to 844, Raja Street, Coimbatore.

2. The relief as claimed by the petitioner cannot be granted by this Court at this juncture. However, it is brought to our notice that even as early as on 17.07.2006, the petitioner through his counsel sent a legal notice to the Commissioner, Coimbatore City Municipal Corporation, first respondent herein as well as to the Assistant Commissioner of Coimbatore City Municipal Corporation for appropriate action for the illegal and unauthorised construction put by respondents 2 and 3. The learned counsel for the petitioner further brought to our notice that the said legal notice was received by the above authorities on 18.07.2006. According to the learned counsel for the petitioner, in spite of the said legal notice and acknowledgment, the first respondent has not taken any action. In such circumstances, we are of the view that ends of

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justice would be met by directing the first respondent to dispose of the representation / legal notice dated 17.07.2006, in accordance with law. It is made clear that if there is any veracity in the allegation made in the legal notice dated 17.07.2006, the first respondent is duty bound to take appropriate action against respondents 2 and 3, after affording opportunity to them.

With the above direction, the writ petition is disposed of. No costs. Consequently, connected MP., is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

The Commissioner
Coimbatore City Municipal Corporation
Coimbatore.

+1cc to Mr.J.Pothiraj, Advocate Sr 53569

HPR (CO)
km/16.11.

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